

CRIMINAL NO. 2:06CR30

DANIAL A. FLOWERS

ORDER

Before entering any dismissal, the Court will afford the Defendant the opportunity to advise the Court whether or not he deems it in his best interest to concede to the dismissal of his conviction for “using profane or indecent language on public highways,” codified at N.C.G.S. § 14-197. If

the Defendant consents to such action, the Court will vacate Defendant's conviction under § 14-197 but will not consider his or the *amicus curiae's* facial challenge to the constitutionality of that statute. However, the Court will consider the Defendant's appeal of his remaining two convictions. If no response is filed, the Court will proceed under the assumption that Defendant does not concede to the dismissal of his conviction under § 14-197.

IT IS, THEREFORE, ORDERED that Defendant Flowers respond to the Government's offer to dismiss his conviction for using profane or indecent language on public highways under N.C. Gen. Stat. § 14-197 as directed herein on or before **MARCH 5, 2007**.

Signed: February 13, 2007



Lacy H. Thornburg
United States District Judge

